

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR TIPTON COUNTY )

Case No. 80S00-1304-MS- **257**

ORDER APPROVING AMENDED LOCAL RULES

The judge of the Tipton Circuit Courts requests the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Tipton Circuit Court, this Court finds that the proposed rule amendments, LR80-TR79-1 and LR80-CR2.2-2 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Tipton County Local Rules, LR80-TR79-1 and LR80-CR2.2-2, set forth as an attachment to this Order, are approved effective April 1, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas R. Lett, Tipton Circuit Court, Courthouse, Tipton, IN 46072-1909; to the Clerk of the Tipton Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Tipton Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on April 18, 2013.

Brent E. Dickson  
Chief Justice of Indiana

**COORDINATED LOCAL RULE OF THE TIPTON CIRCUIT COURT, ENACTED IN COMPLIANCE WITH T.R. 79 (H)**

**209.10** Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit Court of Tipton, in conjunction with the other Judges of Administrative District 12, i.e., Boone County, Clinton County, and Hamilton County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil and juvenile proceedings. Said rule, as approved by the Supreme Court of Indiana, is as follows:

**209.20** Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79 (J).

**209.30** If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

**209.30.10** If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the regular judges and full time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

**209.30.20** If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the regular judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

**209.30.30** If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the regular judges of the District not already disqualified.

**209.40** A special judge selected under **209.30** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

**209.50** In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

*(Effective February 1, 1997; amended April 1, 2013)*

All felony and most misdemeanor cases are filed in the Tipton County Circuit which is the only court of general jurisdiction in the 36<sup>th</sup> Judicial Circuit.

In the event the regular presiding judge of the Tipton Circuit Court finds it necessary to recuse himself from a felony or misdemeanor proceeding for any reason, the case shall be assigned to one of the following judges from Administrative District 12:

1. Judge of the Clinton Circuit Court
2. Judge of the Hamilton Circuit Court
3. Judge of the Clinton Superior Court 1
4. Judge of the Hamilton Superior Court 1
5. Judge of the Hamilton Superior Court 2
6. Judge of the Hamilton Superior Court 3
7. Judge of the Hamilton Superior Court 4
8. Judge of the Hamilton Superior Court 5
9. Judge of the Hamilton Superior Court 6.

Assignments shall be in consecutive order from the above list.

In the event an assignment is made only to be followed by a dismissal upon the State's motion, that the same judge shall remain as the assigned judge for any charges filed against the same defendant for six (6) months subsequent to dismissal.

In the event no judge is able to serve, or the case presents a unique set of circumstances which preclude assignment under this rule, the Indiana Supreme Court will be requested to appoint a special judge for the case.

*(Effective January 1, 2003; amended April 1, 2013)*